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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**

15 HAIPING SU,
16 Plaintiff,

17 v.

18 NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION, et al.
19 Defendants.

Case No. 5:09-cv-2838-JW

20 **STIPULATION AND [Proposed]**
ORDER FOR A LIMITED EXTENSION
OF DISCOVERY DEADLINE
RELATED TO PLAINTIFF'S REQUEST
FOR PRODUCTION OF DOCUMENTS
AND INTERROGATORIES

21
22 On February 17, 2011, plaintiff's counsel emailed plaintiff's Requests for Admission to
23 Defendants, Special Interrogatories to Defendants, and Requests for Production of Documents to
24 Defendants. Under the Federal Rules of Civil Procedure, responses to these requests are due
25 March 22, 2011. The close of discovery in this case is set for March 28, 2011. Defendants will
26 produce responses to the Requests for Admission on March 22, 2011.

27 However, defendants require additional time to produce the other responses. The Special
28

1 Interrogatories are twenty-three in number. All but two of these interrogatories refer to
2 defendants' responses to specific Requests for Admission, and require defendants to "state all
3 facts upon which YOU base YOUR response, state the names, addresses, and telephone numbers
4 of all PERSONS who have knowledge of those facts, and identify all DOCUMENTS that
5 support your response by stating the author's name, the name of each recipient or intended
6 recipient, the date of the creation or transmittal, or an estimate of the date, if no date appears on
7 the DOCUMENT, and the general subject matter of the DOCUMENT or if no such description
8 appears, then some other description sufficient to identify the DOCUMENT." Given the press of
9 business in this case and the need for defendants' employees to sign such interrogatory
10 responses, defendants require until April 1 to produce the interrogatory responses.

12 Plaintiff's Request for Production of Documents are twenty-one in number. These
13 Requests seek an array of documents, including documents that are classified. Defendants began
14 processing the Request upon receipt, and are still completing the search for responsive
15 documents. Defendants require additional time to review and produce the responsive documents
16 uncovered. Defendants also require additional time for declassification review, which requires
17 inter-agency collaboration. Defendants require until April 8 to produce the unclassified
18 documents, and defendants will also produce any declassified documents on that date or as soon
19 as practicable thereafter. Defendants will continue to update plaintiff's counsel as to the status of
20 production of declassified documents.

22 The parties agree that all motions to compel discovery based on this production will be
23 filed no more than 7 days after each production.

25 The discovery deadlines in this matter have been modified only once. On January 25,
26 2011, the Court modified the expert discovery deadlines upon joint stipulation of the parties,
27 setting February 7, 2011 as the deadline for disclosure of experts and March 7, 2011 as the

1 deadline for disclosure of rebuttal experts. Docket Entry #131. No other modifications have
2 occurred to date.

3 The requested modification would have minimal impact on the case. Defendants seek
4 additional time limited to these productions. Defendants do not believe the additional period of
5 discovery will impact other discovery matters in this case.

6 Accordingly, the parties hereby STIPULATE AND REQUEST that the March 28, 2011
7 deadline for discovery be extended for the limited purpose of the aforementioned productions, as
8 follows:
9

10 April 1, 2011	Production of responses to Special Interrogatories
11 April 8, 2011	Production of unclassified documents responsive to Request 12 for Production
13 April 8, 2011 or as soon as practicable thereafter	Production of declassified documents responsive to Request for Production
14 7 days after each 15 production	All motions to compel discovery for each production due

16
17 DATED: 3/22/2011

18
19 /s/ Michael Reedy

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~~PROPOSED~~ ORDER

Pursuant to the stipulation of the parties and good cause appearing, IT IS SO ORDERED.

Dated: March 24, 2011, 2011


JAMES WARE
UNITED STATES DISTRICT COURT CHIEF JUDGE